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Letter from the Seven Justices of the Supreme Judicial Court to Members of the Judiciary and the Bar (June 3, 2020)

6/03/2020

Massachusetts Supreme Judicial Court

Dear Members of the Judiciary and the Bar:

The events of the last few months have reminded us of what African-Americans know all too well: that too often, by too many, black lives are not treated with the dignity and respect accorded to white lives. As judges and as lawyers, we are both saddened and angry at the confluence of recent events that have revealed how much more we need to do to create a just, fair, and peaceful society.

But we must do more than express our feelings of sadness and anger.

As judges, we must look afresh at what we are doing, or failing to do, to root out any conscious and unconscious bias in our courtrooms; to ensure that the justice provided to African-Americans is the same that is provided to white Americans; to create in our courtrooms, our corner of the world, a place where all are truly equal.

As lawyers, we must also look at what we are doing, or failing to do, to provide legal assistance to those who cannot afford it; to diminish the economic and environmental inequalities arising from race; and to ensure that our law offices not only hire attorneys of color but also truly welcome them into the legal community.

And as members of the legal community, we need to reexamine why, too often, our criminal justice system fails to treat African-Americans the same as white Americans, and recommit ourselves to the systemic change needed to make equality under the law an enduring reality for all. This must be a time not just of reflection but of action.

There is nothing easy about any of this. It will be uncomfortable: difficult conversations, challenging introspection, hard decisions. We must recognize and address our own biases, conscious and unconscious. We must recognize and condemn racism when we see it in our daily lives.

We must recognize and confront the inequity and injustice that is the legacy of slavery, of Jim Crow, and of the disproportionate incarceration of African-Americans, and challenge the untruths and unfair stereotypes about African-Americans that have been used to justify or rationalize their repression. And we must examine the underlying reasons why African-Americans have suffered disproportionately from the COVID-19 pandemic, both in terms of the number of deaths and the extent of economic hardship it has caused, and, where possible, address the causes of those disparities.

Perhaps most importantly, it is a time for solidarity and fellowship with African-American judges and attorneys, to acknowledge their pain, to hear about the conversations they now have with their children, and to stand together when others may try to divide us. As Dr. Martin Luther King, Jr. wrote from a Birmingham jail:

“Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever

affects one directly, affects all indirectly.”

Sincerely,

Ralph D. Gants, Chief Justice

Barbara A. Lenk, Associate Justice

Frank M. Gaziano, Associate Justice

David A. Lowy, Associate Justice

Kimberly S. Budd, Associate Justice

Elsbeth B. Cypher, Associate Justice

Scott L. Kafker, Associate Justice

Massachusetts Supreme Judicial Court

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